

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

George Hofmann,
Chapter 7 Trustee of
the Estate of SIMPLY, INC.,

No. 22-CV-1007 (KPF)
(ECF Case)

Plaintiff,

v.

SOL GLOBAL INVESTMENTS CORP.,
and SOL VERANO BLOCKER 1 LLC,

Defendants.

SETTLEMENT ORDER

In this action (the “Action”) under Section 16(b) of the Securities Exchange Act of 1934, as amended (the “Act”), Plaintiff George Hofmann, Chapter 7 Trustee of the Estate of Simply, Inc. (“Plaintiff”) alleges that Defendants, SOL Global Investments Corp., and SOL Verano Blocker 1 LLC (“Defendants”), realized so-called “short-swing profits” from their alleged purchases and sales of Simply, Inc. securities (as defined in 17 C.F.R. § 240.3a11-1 under the Act) or derivative securities (as defined in 17 C.F.R. § 240.16a-1(c) under the Act) within periods of less than six months, beginning on March 19, 2021, and ending on July 8, 2022 (the “§16(b) Trading Period”).

The Stipulation of Settlement (filed at Dkt #41) was executed by the parties on November 21, 2022 and approved by the Bankruptcy Court of the District of Utah (Case No. 22-22242) (the “Bankruptcy Court”), in which Plaintiff’s Chapter 7 proceedings are pending (*see Order Approving Stipulation of Settlement of §16(b) Claim Against SOL Global Investments Corp. and Sol Verano Blocker 1 LLC; and Approving Application for Compensation of Special*

Counsel, Bankruptcy Court Dkt #108, entered Jan. 6, 2023) (the “Bankruptcy Court Approval Order,” filed at Dkt #41-1). The Stipulation releases the claims asserted in this Action as further provided therein.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The parties are directed to consummate the Settlement in accordance with the terms and provisions of the Stipulation.
2. The Settlement Consideration is to be paid by the Defendants to Plaintiff in installment payments and attorney’s fees paid to Plaintiff’s counsel from each installment payment, as further provided by Paragraphs 1-3 of the Stipulation.
3. Defendants will be released and discharged as set forth in Paragraph 8 of the Stipulation.
4. In the event that any installment payment required by Paragraph 2 of the Stipulation is not made by Defendants within 30 days of notice from Plaintiff or Plaintiff’s counsel that payment was not received when due, the releases referred to in the above Paragraph will continue to be effective, and Plaintiff’s counsel may file the Consent Judgment in the Form appended as Exhibit B to the Stipulation as provided by Paragraph 4 of the Stipulation, for the purpose of collecting any payments owed under the Stipulation. The Bankruptcy Court otherwise retains exclusive jurisdiction to hear, determine and adjudicate any disputes which may arise regarding the enforcement of the Bankruptcy Court Approval Order and implementation of the Stipulation.
5. This Settlement Order shall not constitute evidence of, or an admission by, the Plaintiff or the Defendants, respecting the validity or invalidity of any of the claims or defenses asserted in the Action.

6. The Clerk of the Court is directed to enter and docket this Settlement Order.

Dated: January 19, 2023

New York, New York

SO ORDERED:



Hon. Katherine Polk Failla, U.S.D.J.